

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**

<i>In the Matter of</i>	)	
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Framework for Next Generation 911 Deployment	)	<b>PS Docket No. 10-255</b>
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**To: The Federal Communications Commission**

**COMMENTS OF PLANTCML**

PlantCML is pleased to submit the following comments on those issues which fall within its area of expertise, 911 technology and innovation.

**I. COMPANY BACKGROUND**

With a history of proven innovation and reliability, PlantCML is the leading provider of critical communications equipment serving nearly 70% of the Public Safety Answering Points (PSAPs) in the United States. The company emerged in 1968, the same year that the United States adopted the 911 national emergency number standard. PlantCML is recognized as a pioneer of the integration of TTY/TTD technology into E911 operations in the early-1990's. Since then, PlantCML has assisted the industry with the introduction of successive technology advances from Basic 911, to Enhanced 911 (E911), to Automatic Number Identification (ANI), Automatic Location Identification (ALI), Wireless Phase II Location (WP2), and now to Next Generation 911 (NG911), which holds the long-envisioned promise of fully-converged voice and data based upon ubiquitous Internet Protocol (IP) data communications.

**II. STANDARDIZATION IS OF PARAMOUNT IMPORTANCE**

The need for NG911 network architecture and interface standardization cannot be overemphasized. A single NG911 standard will foster competition, control costs and promote adoption. Most importantly, a single comprehensive and open (non-proprietary) standard is absolutely essential to achieve fully interoperable NG911 communications and to realize the full potential and benefits associated with non-traditional data types. While PlantCML supports NENA i3 (Functional and Interface Standards for Next Generation 911, Standard 08-002 v1 and 08-003 v1) as the sole NG911 network architecture and interface standard, it recognizes that NENA i3 is not yet fully complete. Therefore, PCML strongly recommends that the Commission work with NENA to accelerate the completion and adoption of NENA i3 as the sole NG911 network architecture and interface standard. Furthermore, PCML strongly encourages the Commission to ensure that NG911 systems nationwide strictly conform architecturally (including fundamental elements), functionally and operationally to NENA i3.

### **III. INTERIM, TRANSITIONAL AND/OR PROPRIETARY NG911 NETWORKS AND/OR INTERFACES MUST BE AVOIDED.**

In order to derive more rapid benefit from NG911 broadband communications, some organizations have suggested the use of interim, transitional and/or proprietary interfaces such as Request for Assistance Interface (RAFI) and Emergency Services Messaging Interface (ESMI). PlantCML urges the Commission to reject adoption and/or use of interim, transitional and/or proprietary interface specifications as they will create confusion, increase implementation costs and ultimately slow the adoption of the critically important fully interoperable NG911 environment.

### **IV. NON-TRADITIONAL DATA TYPES – STANDARDIZATION IS ESSENTIAL**

Once again, standardization is key to the receipt, effective use and interoperability of non-traditional data communications. The robust and flexible network architecture and interface specification defined within NENA i3 has been purposely designed to support the many non-traditional data types expected within a NG911 environment. While PlantCML anticipates that voice, message-based text and real-time text (RTT) will be the primary media types on which “calls for service” will occur, many other forms of non-traditional communications will be available for use by the public safety community such as video (including real-time video) and telemetry (fixed sensor, medical sensor and others).

### **V. CURRENT TEXT MESSAGING LIMITATIONS**

Text messaging utilizing Short Message Service (SMS) appears to already be gaining acceptance within the disabled community and the public in general. However, serious technical limitations exist with SMS. Chief among them are the lack of critical life-saving functions such as automated “call” routing, automatic location identification and guaranteed message delivery. Therefore, PlantCML encourages the Commission to consider the following recommendations.

We encourage the Commission to *require* wireless service providers and wireless handset manufacturers to immediately make the critical changes necessary in their systems and devices to allow for the simultaneous transmission of SMS messages *while* on a 911 call. Currently this capability is *deliberately disabled* on most wireless network systems and *deliberately prevented* on most wireless handsets as part of an “Emergency Mode” reduced feature-set implementation. Even *after* completing a wireless 911 call, many wireless handsets remain in emergency mode for several minutes (sometimes up to 10 or more) before returning to normal mode operations whereby text messaging capability is once again permitted.

We encourage the Commission to evaluate and understand the limitations of the current SMS technology infrastructure in the context of the full benefits currently delivered by wireless 911 telephone calls.

We encourage the Commission to collaborate with industry and media partners and public safety to educate consumers about the current and ongoing limitations of SMS for emergency communications. Absent this needed education the public will incorrectly assume that SMS text messaging can be reliably utilized for emergency reporting.

We encourage the Commission to remain informed of and encourage the development of reliable, low-latency messaging protocols within ATIS and 4GPP.

## VI. PARITY OF PROTECTION WITH RESPECT TO LIABILITY ENCOURAGES COMPETITION AND THE RAPID DEPLOYMENT OF NG911

The potential for liability issues to arise in the NG911 environment, as well as the complexity of those issues, will increase with the complexity of the NG911 service delivery environment. As more services and data sources are able to connect to the NG911 network, the types and numbers of parties with potential liability will increase. And with the increase in information sharing options available to emergency response agencies, the scenarios within which liability may arise will increase. This increase in the types of scenarios giving rise to potential liability, the increase in parties facing potential liability and the increased complexity of the liability issues will, without amendment to existing legislation, be subject to resolution through what is currently an area of liability lacking in clarity and consistency from state to state. Accordingly, in order for all emergency communications service providers in the NG911 environment to be able to reasonably estimate their potential liability risks and mitigate the same, there is a dire need for applicable law to be clear and consistent. Such clarity and consistency will serve to encourage competition within the NG911 environment and foster a more rapid deployment of NG911.

Congress took steps to expand the parity of protection within the 911 environment through the New and Emerging Technologies 911 Improvement Act (“NET 911 Act”).<sup>1</sup> Specifically, wireless carriers, IP-enabled voice service providers and “other emergency communications service providers” were provided parity of protection from liability as is had by any local exchange company under applicable Federal or State law (whether through statute, judicial decision, tariff or otherwise). While certainly this increased parity of protection was a step in the right direction, the definition of “other emergency communications service providers” still leaves a tremendous amount of uncertainty as to those entities that are not required by the FCC to provide emergency communications services. Specifically, the definition of “other emergency communications service provider” states:

The term “other emergency communications service provider” means--

(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission's authority under the Communications Act of 1934 to provide other emergency communications services; or

(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services *and is specifically authorized by the appropriate local or State 9-1-1 service governing authority to provide other emergency communications services.*<sup>2</sup>

The emphasized language leaves open the question of: What constitutes *specific authorization* by the appropriate local or State 911 service governing authority? Does the fact that products and/or services were purchased by such authority constitute *specific authorization*? If those products and/or services were not purchased directly from the manufacturer or service provider, does the indirect purchase (through a distribution channel such as a LEC, wireless carrier or VoIP provider), provide the needed *specific authorization* sufficient to provide liability protection to the manufacturer or service provider?

These questions exist today and will continue to exist and become potentially more pressing in the NG911 environment as the number of providers of emergency communications services, who are not required by

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<sup>1</sup> Pub. L. 110-283, 122 Stat. 2620.

<sup>2</sup> *Id.* at 2625.

the FCC to provide such services, increases. Those providers should be assured the same level of liability protection as those entities that are required by the FCC to provide such services; they should not be left to speculate as to whether the requisite *specific authorization* has been obtained. Such true parity of protection will foster greater competition for the products and services of these providers. Accordingly, clarification of what constitutes *specifically authorized*, and/or revision of the language in its entirety, is needed. PlantCML urges the Commission to support revision of the definition of “other emergency communications service provider” to clarify its applicability to an appropriately broader class of industry participants. PlantCML suggests that the concern with respect to whether such participant’s product or service is “authorized” for use is more appropriately handled through development of an industry-led testing and certification process. PlantCML urges the Commission to support development of such a testing and certification process.

While revision of the definition of “emergency communication service provider” will assist in achieving true parity of protection for all providers of products and services procured for the use in the provision of emergency communications under applicable State law, it will do nothing to solve the lack of consistency and clarity with respect to liability that exists under State law. This lack of consistency and clarity is well recognized in the 911 community and articulated by NENA in its Next Generation 9-1-1 Transition Policy Implementation Handbook dated March 2010. Article III, Policy Issue Number Six entitled “Next Generation 9-1-1 Liability Issues” accurately characterizes the challenges resulting from the lack of consistency and clarity that exists among the States with respect to liability. Further, in its Handbook, NENA encourages the need to revisit State mechanisms for providing appropriate immunity from liability (state or local statute, regulation or tariff) and the scope of the same. PlantCML supports this effort. However, in the absence of model legislation that is consistently adopted by all States or a complete Federal preemption of the issue of liability, inconsistency and lack of clarity will likely continue well after the widespread implementation of NG911. As NG911 progresses and the vision of interoperability between States is realized, the inconsistency between State laws will become even more burdensome to emergency communications service providers. A failure in communications across State lines will certainly be a litigation field day. With a true “national IP-enabled emergency network”<sup>3</sup> as the goal, PlantCML encourages the Commission, and the 911 Community generally, to consider whether Federal preemption of State law on the subject of liability for emergency communications might be an effective mechanism to foster that goal.

## VII. CLOSING STATEMENT

PlantCML fully supports the FCC’s call to rapidly adopt advanced NG911 communications services. However, it is critical that NG 911 implementation include thorough and careful planning and execution (technological, operational and administrative), compliance with prudent regulations, and the identification/establishment of an adequate funding source. All of this is necessary to guarantee the highest quality of service delivery expected and deserved by the public. To this end, PlantCML stands ready to collaboratively assist the Commission and all stakeholders.

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<sup>3</sup> *Id.* at 2620.